

Matter of Capano
Del. Supr. 471, 1997 (11/21/97)

Disciplinary Rules: 8.4(b)

Sanctions Imposed: Interim Suspension.

By order of the Delaware Supreme Court, Thomas J. Capano, Esquire was suspended from the practice of law in the State of Delaware on an interim basis pending further order of the Court. Mr. Capano has been a member of the Delaware Bar since 1975. He had last practiced law as a member of the firm of Saul, Ewing, Remick & Saul in Wilmington, although he had left that firm early in 1997.

The suspension followed the filing of a verified petition for interim suspension by the Office of Disciplinary Counsel (the "ODC") on November 13, 1997. On the previous day, the ODC was informed that Mr. Capano had been arrested by criminal authorities in Wilmington and charged with a violation of 11 Del.C. Section 636 (murder in the first degree), which is a class A felony. Mr. Capano was immediately incarcerated, and bail was subsequently denied. On November 20, 1997, the ODC filed with the Supreme Court a joint stipulation with Mr. Capano's counsel, informing the Court that the ODC's petition would not be contested. Attached to the stipulation was a personal affidavit by Mr. Capano affirming his consent to the interim suspension.

After notice was provided to the parties, the Supreme Court held a hearing on the ODC's petition on November 21, 1997, and entered an order suspending Mr. Capano the same day. The Court's order also specified that Mr. Capano's counsel would report to the Court at a later date in order to verify that Mr. Capano had no current clients or former clients whose interests might require the appointment of a receiver.